



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: PD-2

September 22, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ASSIGNMENT OF COSTCO REGIONAL TRAFFIC MITIGATION FUNDS
CITIES OF CULVER CITY AND LOS ANGELES-COUNTY
COOPERATIVE AGREEMENT
SUPERVISORIAL DISTRICTS 2 AND 4
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Chair of the Board to sign the cooperative Agreement with the Cities of Culver City and Los Angeles, which provides for the City of Culver City to transfer \$1,515,942 of monies remaining, plus interest accrued, in the City's Costco Regional Traffic Mitigation Fund to the County, if requested by the County following approval by the City of Culver City of plans and a cost estimate for the proposed Marina Expressway (State Route 90) Connector Road project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In June 1998, the City of Culver City approved the conditions for the development of the Costco project, near the intersection of Lincoln Boulevard and Washington Boulevard. As part of those conditions, a Costco Regional Traffic Mitigation (RTM) Fund was established. There is currently \$1,515,942 remaining in the City's Costco RTM account. The City of Culver City authorized the future allocation of these monies to the County to

be used toward the construction of the proposed Marina Expressway (State Route 90) Connector Road project. The City of Los Angeles concurs with the future allocation of these funds, which is required to allow the Costco RTM funds to be allocated to the County.

Your Board's approval of the enclosed Agreement is necessary to effect the eventual transfer of the \$1,515,942, plus interest accrued, to the County in the event the County authorizes the Marina Expressway (State Route 90) Connector Road project to be constructed.

Implementation of Strategic Plan Goals

This action meets the County Strategic Plan Goal of Service Excellence as it provides the County with potential future financial assistance to improve the proposed Marina Expressway (State Route 90) Connector Road project for the benefit of the motoring public if the project is approved by the County.

FISCAL IMPACT/FINANCING

Your Board's approval of the enclosed Agreement will allow the City of Culver City to transfer \$1,515,942 from the City's Costco RTM account to the County's Road Fund if construction of the Marina Expressway (State Route 90) Connector Road project is authorized.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The enclosed Agreement, which has been approved as to form by County Counsel, provides for the City of Culver City to eventually transfer \$1,515,942 of monies remaining in the City's Costco RTM account to the County if construction of the Marina Expressway Connector Road project is authorized. Under the terms of the Agreement, the County has until June 17, 2010, to expend the Costco RTM monies on the construction of the Marina Expressway (State Route 90) Connector Road project; after this date, any unspent or unallocated monies must be returned to the City of Culver City. The Agreement further provides that if the project is not approved by the Board of Supervisors and construction does not commence before June 17, 2009, the County may claim Costco RTM monies to reimburse costs incurred including preparation of the required environmental document or preliminary studies.

The Honorable Board of Supervisors
September 22, 2005
Page 3

ENVIRONMENTAL DOCUMENTATION

Adoption of the enclosed Agreement is exempt from the California Environmental Quality Act because it will not affect the environment since the Agreement only provides a potential future funding source for a project that has not been approved. The appropriate environmental document will be prepared for the proposed Marina Expressway (State Route 90) Connector Road project prior to a determination to proceed with construction of the project.

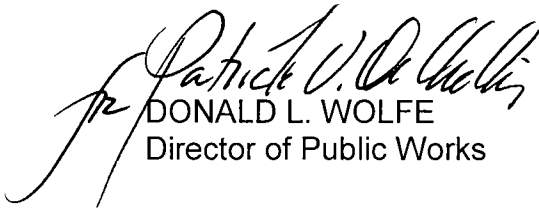
IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended action will have no impact on current services.

CONCLUSION

Enclosed are three copies of the Agreement, which have been approved by the Cities of Culver City and Los Angeles and approved as to form by County Counsel. Upon approval, please return the two copies marked "CITY ORIGINAL" to Public Works for processing together with one adopted copy of this letter. The copy marked "COUNTY ORIGINAL" is for your files.

Respectfully submitted,



DONALD L. WOLFE
Director of Public Works

HG:pr

C060062

P:\PDPUB\PB&C\Board Letters\ASSIGNMENT OF COSTCO FUNDS.doc

Enc.

cc: Chief Administrative Office
County Counsel

A G R E E M E N T

THIS AGREEMENT made and entered into by and amongst the CITY OF CULVER CITY, a municipal corporation in the County of Los Angeles, hereinafter referred to as "CULVER CITY"; the CITY OF LOS ANGELES, a municipal corporation in the County of Los Angeles, hereinafter referred to as "LOS ANGELES"; and the COUNTY OF LOS ANGELES, a political subdivision of the State of California, hereinafter referred to as "COUNTY":

W I T N E S S E T H

WHEREAS, on June 24, 1998, CULVER CITY approved conditions for the development of the Costco project near the intersection of Lincoln and Washington Boulevards; and

WHEREAS, a Costco Regional Traffic Mitigation (RTM) Fund was established as part of those conditions; and

WHEREAS, CULVER CITY has One Million Five Hundred Fifteen Thousand Nine Hundred Forty-two and 00/100 Dollars (\$1,515,942.00) remaining in CULVER CITY'S RTM account; and

WHEREAS, on August 9, 2004, CULVER CITY authorized the allocation of monies remaining in CULVER CITY'S RTM account, plus interest accrued, to COUNTY to be used toward construction of the Marina Expressway (State Route 90) Connector Road project, herein referred to as "PROJECT"; and

WHEREAS, in a letter dated March 16, 2004, LOS ANGELES recommended the use of RTM monies for PROJECT; and

WHEREAS, COUNTY is claiming the RTM monies to be used to finance a portion of the construction costs of PROJECT; and

WHEREAS, this AGREEMENT is authorized and provided for by CULVER CITY'S "Conditional Use Permit No. 97-01," Condition No. 59, approved by CULVER CITY'S Planning Commission on July 24, 1998.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by CULVER CITY, LOS ANGELES, and COUNTY and of the promises herein contained, it is hereby agreed as follows:

(1) CULVER CITY AGREES:

- a. To allocate monies remaining in CULVER CITY'S Costco RTM account to COUNTY, upon CULVER CITY approval of COUNTY'S plans and cost estimate for PROJECT.

- b. Upon demand by COUNTY, to transfer to COUNTY One Million Five Hundred Fifteen Thousand Nine Hundred Forty-two and 00/100 Dollars (\$1,515,942.00), plus any interest accrued, of Costco RTM funds. Said demand will consist of a billing invoice prepared by COUNTY.

(2) LOS ANGELES AGREES:

- a. To authorize the use of RTM monies for PROJECT.

(3) COUNTY AGREES:

- a. To utilize the Costco RTM funds to finance a portion of the construction cost of PROJECT.
- b. To notify CULVER CITY in writing if PROJECT is cancelled.

(4) IT IS MUTUALLY UNDERSTOOD AND AGREED AS FOLLOWS:

- a. That all Costco RTM monies allocated to COUNTY must be expended prior to June 17, 2010. If commencement of construction of PROJECT is delayed beyond June 17, 2009, COUNTY may demand Costco RTM monies to reimburse COUNTY expenditures on other phases of PROJECT including, but not limited to, preparation of the environmental document and right-of-way property acquisitions. COUNTY shall provide CULVER CITY with invoices for CULVER CITY'S review and approval prior to CULVER CITY'S release of reimbursement for these phases.
- b. After June 17, 2010, any unspent or unallocated monies shall be returned to CULVER CITY within ninety (90) days.
- c. This AGREEMENT may be amended or modified only by mutual written consent of COUNTY, LOS ANGELES, and CULVER CITY. Amendments and modifications of a nonmaterial nature may be made by the mutual written consent of CULVER CITY'S and COUNTY'S Directors of Public Works and LOS ANGELES' General Manager of Los Angeles Department of Transportation, or their delegates.
- d. COUNTY'S written notification to CULVER CITY that PROJECT is cancelled will terminate this AGREEMENT.

- [illegible]

Mr. Charles Herbertson
Director of Public Works
City of Culver City
9770 Culver Boulevard
Culver City, CA 90232-0507

Mr. Wayne Tanda
General Manager
Los Angeles Department of Transportation
7166 West Manchester Avenue
Los Angeles, CA 90045

Mr. Donald L. Wolfe
Acting Director of Public Works
County of Los Angeles
Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by the CITY OF CULVER CITY on August 9, 2004; by the CITY OF LOS ANGELES on April 28, 2005; and by the COUNTY OF LOS ANGELES on _____, 2005.

COUNTY OF LOS ANGELES

ATTEST:


VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of
the County of Los Angeles

By _____
Chair, Board of Supervisors


By _____
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By 
Deputy

CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION

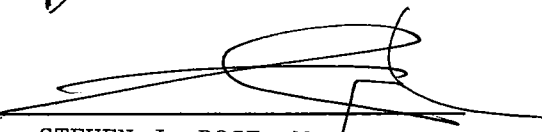
By 

Approved

April 28, 2005
ROCKARD J. DELGADILLO, City Attorney

By 

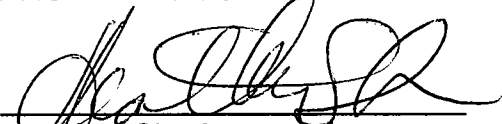
CITY OF CULVER CITY

By 
STEVEN J. ROSE, Mayor

ATTEST:

By 
City Clerk

APPROVED AS TO FORM:

By 
City Attorney
for